THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.23135 of 2005

Dated 08-12-2005

Between:

Pidugu Madhu.

..... PETITIONER

AND

The District Collector/Election Authority under A.P. Cooperative Societies Act, Nellore, and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.23135 of 2005

O R D E R:

The writ petition is filed questioning the order dated 23-10-2005 passed by the first respondent, whereunder the third respondent was directed to postpone the elections to the office of the President of Vavveru Cooperative Rural Bank Limited, Buchireddypalem, Nellore District, scheduled to be held on 23-10-2005.

It is not in dispute that the petitioner as well as the fourth respondent were elected as the Directors of Vavveru Cooperative Rural Bank Limited, Buchireddypalem, in the elections held on 22-10-2005. While the elections for the posts of President and other Office bearers of the Society were scheduled to be held on 23-10-2005, the first respondent issued the impugned proceedings dated 23-10-2005 postponing the elections on the ground that a clarification was sought from the Commissioner of Cooperation and Registrar of Cooperative Societies and the Chief Election Authority with regard to the procedure to be followed, in view of the allegations made against the petitioner that he suffered disqualification for the post of Member of the Managing Committee. The said order was challenged by the petitioner contending *inter alia* that as per Rule 22 C of the Andhra Pradesh Cooperative Societies Rules, 1964 (for

short ‘the Rules’), the elections can be postponed only on the grounds specified thereunder and that the alleged disqualification of the petitioner for being elected as Member of the Managing Committee is not a valid ground for postponing the elections.

This Court while ordering Rule Nisi on 27-10-2005, in W.P.M.P.No.29682 of 2005 though directed that the elections may go on, stayed the declaration of results. The said interim order was subsequently made absolute on 03-11-2005.

While so, W.P.M.P.Nos. 33581 and 30700 of 2005 have been filed seeking a direction to the respondents to declare the results of the elections. It is stated that subsequently the election to the Office bearers of the Society was conducted on 05-11-2005 and that the Deputy Registrar of Cooperative Societies, Kavali, by order dated 09-11-2005 passed under Section 21-A (IA) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short ‘the Act’) disqualified the petitioner for continuing as Member of the Managing Committee since he is having more than two children.

It is relevant to note that questioning the said order dated 09-11-2005 the petitioner filed W.P.No.25418 of 2005 and the same was disposed of by order dated 29-11-2005 setting aside the order of disqualification dated 09-11-2005 and granting liberty to the petitioner to submit his explanation within seven days, in which event the respondents may consider the same and pass appropriate orders under Section 21-A (1A) of the Act after giving reasonable opportunity to the petitioner in accordance with law. It is stated that the petitioner submitted his explanation in terms of the said order.

Be that as it may, the competent authority will pass appropriate orders in accordance with law with regard to the disqualification of the

petitioner under Section 21-A (1A) of the Act. However, so far as the question involved in this writ petition is concerned, it is to be noted that since admittedly, the elections to the office bearers were already conducted on 05-11-2005, I am of the opinion that it is not necessary for this Court to go into the question as to the correctness of the action of the respondents in postponing the election.

However, the learned counsel for the petitioner while placing reliance on a decision of a Division Bench of this Court in *R. Venkata RangareddyVs. N. Muralidhar Rao,* contended that the declaration of the results ought not to have been withheld by the respondents and therefore, the respondents may be directed to declare the results forthwith.

Having regard to the fact that during the pendency of this writ petition the election has already been held, the writ petition is disposed of with a direction to the respondents to proceed further in accordance with law. No costs.

_____

(G. ROHINI, J)

Date:08-12-2005

Note: Issue CC tomorrow.

B/o

ghn